

**Legal Services Corporation FY 2010 Appropriation
With Selected General Provisions**

Additional general provisions not excerpted appear in the full statute at: <http://thomas.loc.gov>

CONSOLIDATED APPROPRIATIONS ACT, 2010

Public Law No: 111-117

__Stat.__

H.R. 3288

December 16, 2009

One Hundred Eleventh Congress of the United States of America

AT THE FIRST SESSION

Begun and held at the city of Washington on Tuesday, the sixth of January, two thousand and nine

An Act

Making appropriation for the departments of transportation, and housing and urban development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 4. STATEMENT OF APPROPRIATIONS

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010.

**DIVISION B--COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
APPROPRIATIONS ACT, 2010**

Sec. 205.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of fund under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

TITLE IV – RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$420,000,000, of which \$394,400,000 is for basic field programs and required independent audits; \$4, 200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$17,000,000 is for management and grants oversight; \$3,400,000 is for client self-help and information technology; and \$1,000,000 is for loan repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d): *Provided further*, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in the Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2009 and 2010, respectively.

TITLE V – GENERAL PROVISIONS

Sec. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds that--

- (1) creates or initiates a new program, project or activity;
- (2) eliminates a program, project or activity, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;
- (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted by this Act, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;
- (4) relocates an office or employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;
- (5) reorganizes or renames offices, programs or activities, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;
- (6) contracts out or privatizes any functions or activities presently performed by Federal employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

- (7) proposes to use funds directed for a specific activity by either the House or Senate Committee on Appropriations for a different purpose, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;
- (8) augments funds for existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds; or
- (9) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.
- (b) None of the funds in provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds after August 1, except in extraordinary circumstances, and only after the House and Senate Committees on Appropriations are notified 30 days in advance of such reprogramming of funds.

Sec. 509. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Sec. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

Sec. 517. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector general is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained

by the Department, Administration, Foundation, or Corporation, respectively, The results shall be made available in redacted form to exclude---

- (1) any matter described in section 552(b) of title 5, United States code, and
- (2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, the President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(e) The provision of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

Sec. 526. The Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites--

- (1) a direct link to the Internet websites of their Offices of Inspectors General; and
- (2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

Sec. 530. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301-10.122 through 301-10.124 of title 41 of the Code of Federal Regulations.

Sec. 533. Section 504(a) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104-134) is amended by striking paragraph (13).

Sec. 534. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

This division may be cited as the “Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010”.

111TH CONGRESS 1ST SESSION
Conference Report 111-366
HOUSE OF REPRESENTATIVES
December 8, 2009

DEPARTMENTS OF TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT, AND
RELATED AGENCIES APPROPRIATIONS ACT, 2010
To accompany H.R. 3288

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3288), making appropriations for the Departments of Transportation and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement provides \$420,000,000 for the Legal Services Corporation (LSC).

Accountability and oversight.—Over the past three years, GAO, the LSC Inspector General and the Audit Committee of the LSC Board of Directors have issued multiple findings of management and oversight weaknesses at the Corporation. LSC has made a public commitment to address each of these findings, and, as evidenced by recent GAO testimony, has made progress by implementing necessary corrective actions in a number of areas. However, as also evidenced by GAO's testimony, additional work remains to complete the full list of recommended actions.

The conferees have been, and remain, concerned about these gaps in LSC's management and accountability controls, which leave the Corporation vulnerable to improper expenditures or instances of waste by grantees. The timely resolution of these remaining issues must be a Corporation priority. Consequently, the conferees direct the Corporation's President and Chairman of the Board of Directors to report jointly to the House and Senate Committees on Appropriations no later than February 1, 2010, to certify that the Corporation has met the requirements for management practices and policies, as well as governance standards and guidelines.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

A general provision in Title V of the bill revises the administrative provision in order to permit grantees to pursue the recovery of attorney's fees when recovery is permitted or required under Federal or State law. The conferees believe that this action will level the playing field between legal aid attorneys and their counterparts in the private sector and provide a potentially crucial source of additional revenue to legal aid providers in a year in which State and private funding sources are decreasing.

111TH CONGRESS
HOUSE OF REPRESENTATIVES
1st Session
House Report 111-149
(June 12, 2009)

[Recommending \$440,000,000 and lifting the attorneys' fees restriction.]

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2010
[To accompany H.R. 2847]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for Commerce, Justice, Science, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

**LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES CORPORATION**

<i>Fiscal Year 2009 enacted</i>	<i>\$390,000,000</i>
<i>Fiscal Year 2010 request</i>	<i>435,000,000</i>
<i>Recommended in the bill</i>	<i>440,000,000</i>
<i>Bill compared with:</i>	
<i>Fiscal Year 2009 enacted</i>	<i>+50,000,000</i>
<i>Fiscal Year 2010 request</i>	<i>+5,000,000</i>

The Legal Services Corporation (LSC) is a private, non-profit corporation that provides free civil legal assistance, according to locally-determined priorities, to people living in poverty. For fiscal year 2010, the Committee recommends \$440,000,000, which is \$5,000,000 above the budget request.

Increasing financial impact.--Given the increasing demand for legal aid services and the contraction of non-federal legal aid funding sources, it is critical for LSC to identify every possible means to increase the impact of its Federally appropriated dollars. Obtaining more services at no or low cost through private attorney involvement would provide one such means, and the Committee encourages LSC to increase its efforts to do so. The Committee also encourages LSC to reevaluate its prioritization between basic field grants and Technology Initiative Grants (TIG). LSC has provided examples of how effective TIG implementation has increased efficiency, allowed grantees to serve a greater total number of clients and freed up attorney resources for use on the most complex cases. With these benefits in mind, the Committee hopes that LSC will consider more significant increases to the TIG program when making future funding requests.

ADMINISTRATIVE PROVISION--LEGAL SERVICES CORPORATION

A general provision in Title V of the bill revises the administrative provision in order to permit grantees to pursue the recovery of attorney's fees when recovery is permitted or required under Federal or State law. The Committee believes that this action will level the playing field between legal aid attorneys and their counterparts in the private sector and provide a potentially crucial source of additional revenue to legal aid providers in a year in which state and private funding sources are decreasing.

111TH CONGRESS
SENATE
1st Session
Senate Report 111-34
(June 25, 2009)

[Recommending \$400,000,000 and lifting 1996 restrictions on non-federal funds
except for restrictions on abortion and prisoners litigation.]

*DEPARTMENTS OF COMMERCE AND JUSTICE, AND SCIENCE, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2010*
[To accompany H.R. 2847]

The Committee on Appropriations to which was referred the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, reports the same to the Senate with an amendment, and recommends that the bill, as amended, do pass.

LEGAL SERVICES CORPORATION
PAYMENT TO THE LEGAL SERVICES CORPORATION

<i>Appropriations, 2009</i>	<i>\$390,000,000</i>
<i>Budget estimate, 2010</i>	<i>435,000,000</i>
<i>House allowance</i>	<i>440,000,000</i>
<i>Committee recommendation</i>	<i>400,000,000</i>

The Committee recommendation provides \$400,000,000 for payment to the Legal Services Corporation [LSC]. The recommendation is \$10,000,000 above the fiscal year 2009 enacted level and \$35,000,000 below the budget request.

The Committee recommendation provides \$374,600,000 for basic field programs, to be used for competitively awarded grants and contracts, \$17,000,000, for management and administration, \$3,400,000 for client self-help and information technology, \$4,000,000 for the Office of the Inspector General and \$1,000,000 is for loan repayment assistance.

ADMINISTRATIVE PROVISIONS

The Committee recommendation continues the administrative provisions contained in the fiscal year 1998 appropriations act (Public Law 105-119) regarding operation of this program to provide basic legal services to disadvantaged individuals and the restrictions on the use of LSC funds.

LSC funds cannot be used to engage in litigation and related activities with respect to a variety of matters including: (1) redistricting; (2) class action suits; (3) representation of illegal aliens; (4) political activities; (5) collection of attorney fees; (6) abortion; (7) prisoner litigation; (8) welfare reform; (9) representation of charged drug dealers during eviction proceedings; and (10) solicitation of clients. The exception to the restrictions occurs in a case where there is imminent threat of physical harm to the client or prospective client remains in place.

The manner in which the LSC grantees are audited through contracts with certified public accountants for financial and compliance audits are continued, along with the provisions on recompetition and debarment.

The Committee recognizes that the LSC current percentage locality pay represents reasonable compensation for LSC officers and employees. The Committee expects that any locality pay will continue to be paid at that percentage